Mr. Kayalam Parameswaran Pillai:—

"This Section is borrowed from Section 73 of the Indian Forest Act. The wording in that Section is that 'no suit shall lie against any public servant for anything done by him in good faith under this Act.' Here we find the words 'in pursuance of' put in for the word 'under the Act' found in the Indian Act. Apparently, under the Indian Act, the act done must come within the provisions of that Act and if it is done beyond the provisions of the Act, the officer will not be protected, even though he might have acted in good faith. The amendment is therefore necessary."

The amendment was put to the vote and lost.

Mr. G. Parameswaran Pillai moved that the words "any public servant" be substituted for "Our Government or against any officer of Government" in lines 1 and 2 of the Clause.

Seconded by Mr. Adam Sait.

The amendment was accepted by the Council.

CLAUSE 23.

Mr. Raman Tampi, in moving that the words "not inferior in rank to that of an Assistant Conservator" be substituted for "drawing a salary of not less than one hundred Rupees' in lines 2 and 3 of Section 59 of the Regulation, said :—

"Section 59 of the Regulation empowers the Government to invest any Forest officer drawing not less than one hundred rupees with the powers of a Settlement Officer, the powers of a Civil Court in regard to attendance of witnesses and production of documents, and, the power to hold enquiry into Forest offences and to accept compensation in respect of Forest offences. Under this new Section as amended by the Clause, power is also given 'to enter upon any land or to survey, demarcate and make a map of the same.' In view of the larger powers proposed to be given under the Clause, I want to restrict that to important officers not inferior in rank to an Assistant Conservator. This is my amendment."

Seconde by Mr. G. Parameswaran Pillai.

Mr. Subba Aiyar accepted the amendment, and it was carried.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill, as settled by the Council, be finally read on a future day of which notice should be given.

Seconded by Mr. Raman Menon.

Carried.

THE PREVENTION OF JUVENILE SMOKING BILL.

Mr. Subba Aiyar presented the report of the Select Committee on the Prevention of the Juvenile Smoking Bill and moved that the report and the Bill be taken up for consideration at once.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

Mr. Subrahmanya Pillai moved that the words, "Bill for the prevention of the use of tobacco by juveniles" be substituted for the words "The prevention of Juvenile Smoking Bill" in the title of the Bill.

Seconded by Mr. G. Parameswaran Pillai.

The amendment was accepted by Mr. Subba Aiyar and it was carried.

Mr. Subrahmanya Pillai moved that the words "the use of tobacco" be substituted for "smoking" in the preamble of the Bill.

Seconded by Mr. G. Parameswaran Pillai.

The amendment was accepted by Mr. Subba Aiyar and it was carried.

CLAUSE 1.

Mr. Subrahmanya Pillai moved that the words "the Regulation for the prevention of the use of tobacco by juveniles 109 " be substituted for "the prevention of Juvenile Smoking Regulation 109 " in sub-clause (i).

Seconded by Mr. G. Parameswaran Pillai.

The amendment was accepted by Mr. Subba Aiyar and it was carried.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill be read again on a future day of which notice should be given.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

THE MUNICIPAL BILL.

CLAUSE 2.

Mr. Subba Aiyar:—

"Sir,

I had given notice of an amendment to delete 'and' between Proviso (ii) and Proviso (iii) and to add the following as Proviso (iv) :—

'and notwithstanding anything contained in the said Regulation, all Presidents, Vice-Presidents and Councillors shall vacate office from such date as may be notified by Our Government in Our Government Gazette.'

I do not want the amendment in the above form ; and I propose to move another amendment by which a new Clause will be added at the end of the Bill and of which notice has been given to-day. I therefore beg to withdraw the above amendment."

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The amendment was permitted to be withdrawn.

CLAUSE 91.

Mr. Subba Aiyar moved that the words "seven chackrams" be substituted for 'four annas' in lines 4 and 5 of sub-clause (3).

Seconded by Mr. Rengaswami Aiyangar.

Carried.

CLAUSE 112.

Mr. Subba Aiyar moved that the following be inserted as para 2 of sub-clause (1) :—

"The Council may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by Our Government restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding, or in the interests of the residents within such limits, or for any other public purpose. Permission may also be refused in any case in which there is any dispute between the Council and the applicant as to the title of the land on which it is proposed to erect the building until such dispute is decided."

He said :—

"The Clause as it stands gives power to the Municipal Council to refuse sanction for erection or re-erection of a building without assigning any reasons. It is thought desirable that the power should be exercised for certain reasons. This is what is provided for in the amendment."

Seconded by Dr. Kunjan Pillai.

Carried.

CLAUSE 238.

Mr. Subba Aiyar in moving that the word 'President' be inserted between 'Council' and 'its' in line 5 of sub-clause (1), said :—

"Sub-clause (1) runs as follows :—'The Council may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Council, President, its officers and servants, under this Regulation, and shall make such compensation where the damage was caused by the negligence of the Council, its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised'. The first portion of the sentence in the above sub-clause contains the word 'President', but it is omitted by oversight in the second portion. The President is an officer of the Council. If the word 'President' is not inserted in the second portion, it may be doubted whether he is an officer of the Council. In order to make the meaning clear, the word 'President' has to be inserted in the second portion of the sentence in the sub-clause. Hence the amendment".

Seconded by Mr. G. Parameswaran Pillai.

Carried.

Mr. Subba Aiyar :—

"If this Bill becomes law, the number of official Members in any Council shall not exceed one fourth of the total number of the Members, including the President. In the existing Committees, we find that there are 4 official Members out of 13 in Trivandrum, 4 out of 10 in Alwaye, 3 out of 9 in Thiruvalla, 3 out of 10 in Padmanabhapuram, Shencottah, Colachel, Changanacherry, Parur, Neyyattinkara, Haripad, Attingal and Kuzhithurai, and 3 out of 11 in Mavelikara. Thus then, there is to be a re-arrangement of the number of official Members. Again, the number of Members in each Council may have to be increased, and such increase may have to be distributed among the various wards. There may, therefore, have to be a re-adjustment of the area of the wards and a re-distribution of the seats for each ward. It is therefore thought desirable that, when the Bill becomes law, the Members of the existing Committees should vacate their seats, and there ought to be a re-election. But until new Councillors take their seats, the existing Members should continue in office. A transitory provision has therefore to be made, and it is with this object that I propose the following new Clause at the end of the Bill."

"261—The term of office of a President or Councillor holding office under Regulation III of 1076 shall expire on such date or dates after the commencement of this Regulation as Our Government may determine. Our Government shall make nominations and cause arrangement for election to be made under this Regulation, so that the President and the elected or nominated Councillors, as the case may be, may come to office on the date fixed for the retirement of the former President and Councillors, and, until they so come into office, the President and Councillors nominated or elected under Regulation III of 1076 shall have all powers and be subject to all the duties, respectively, of the President and Councillors under this Regulation."

Seconded by Mr. Rengaswami Aiyangar.

Carried.

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Mr. Subba Aiyar: —

'Before the Bill is finally read, I have to bring to the notice of the Council that the date on which the Bill will come into force has to be inserted in sub-clause (1) of Clause I. A Notification has to be published under Clause 53 of the Bill, regarding the properties to be vested in the Municipal Councils in the various towns. The matter is under correspondence, and replies from the various Committees and the Peishkars are awaited, and probably some of the Presidents may have to be consulted again, and all this may take some time. I therefore propose that the words '1st Chingom 1096' be inserted at the end of sub-clause (1) of Clause I."

Seconded by Mr. Rajaram Row.

Carried.

Mr. Subba Aiyar then moved that the Bill be finally read and passed.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

THE POLICE REGULATION AMENDMENT BILL.

CLAUSE 26.

Mr. Subba Aiyar moved that the word 'fifteen' be substituted for 'seven' in line 1 of the proviso to sub-clause (ii).

Seconded by Mr. Raja Raja Varma.

Carried.

CLAUSE 27.

Mr. Subba Aiyar moved that the word 'fifteen' be substituted for 'seven' in line 1 of the Proviso.

Seconded by Mr. Raja Raja Varma.

Carried.

Mr. Subba Aiyar moved that the Bill be finally read and passed.

Seconded by Mr. Raman Menon.

Carried.

THE CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Subba Aiyar moved that the Bill be finally read and passed.

Seconded by Dr. Kunjan Pillai.

Carried.

President :—

"Gentlemen,

I thank you all very much for the part you took in the elaborate, interesting and instructive discussion we have had during the meeting. The Government have derived considerable benefit from the assistance received from the non-official Members of the Council, whom I desire to thank particularly. Gentlemen, I now dissolve the meeting".

The Council adjourned at 1-30 P. M.

K. NARAYANAN PANDALAY,
Secretary to the Council.

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